

PROB. 12B  
(7/93)

FILED IN THE  
UNITED STATES DISTRICT COURT  
DISTRICT OF HAWAII

**United States District Court**

**for the**

**DISTRICT OF HAWAII**

JAN 18 2008  
at 10 o'clock and 45 min. M.  
SUE BEITIA, CLERK

**Request for Modifying the Conditions or Term of Supervision  
with Consent of the Offender**

*(Probation Form 49, Waiver of Hearing is Attached)*

Name of Offender: JENNIFER LAUOFO

Case Number: CR 02-00551HG-01

Name of Sentencing Judicial Officer: The Honorable Helen Gillmor  
Chief U.S. District Judge

Date of Original Sentence: 11/24/2003

Original Offense: Distribution of a Quantity of Cocaine Base, in violation of 21 U.S.C.  
§ 841(a)(1), a Class C felony

Original Sentence: Twenty-one (21) months imprisonment, to be followed by three (3) years supervised release with the following special conditions:  
1) That the defendant participate in a substance abuse program, which may include drug testing at the discretion and direction of the Probation Office; 2) That the defendant participate in mental health program at the discretion and direction of the Probation Office; 3) That the defendant is prohibited from possessing any illegal or dangerous weapons; 4) That the defendant provide the Probation Office access to any requested financial information; and 5) That the defendant submit her person, residence, place of employment, or vehicle to a search conducted by the U.S. Probation Office at a reasonable time and in a reasonable manner, based upon reasonable suspicion of contraband or evidence of a violation of a condition of supervision. Failure to submit to a search may be grounds for revocation. The defendant shall warn any other resident that the premises may be subject to search pursuant to this condition.

Type of Supervision: Supervised Release      Date Supervision Commenced: 4/27/2007

**PETITIONING THE COURT**

[X] To modify the conditions of supervision as follows:

*General Condition: That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision (mandatory condition).*

*Special Condition No. 1: That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.*

**CAUSE**

<u>Violation Number</u>	<u>Nature of Noncompliance</u>
1. Special Condition No. 1	The offender refused to comply with drug testing on 7/23/2007 and 7/29/2007.
2. Special Condition No. 1	The offender failed to attend substance abuse counseling at Freedom Recovery Services on 7/15/2007 and 11/12/2007.

Per the special condition, the offender was referred to Freedom Recovery Services (FRS) for outpatient substance abuse counseling and random drug testing. Our office was informed by FRS that on 7/23/2007 and 7/29/2007, the offender failed to submit a urine specimen for testing. As the offender was oriented to the requirements of the drug testing program, she is charged with refusal to comply with drug testing. Regarding the missed drug test on 7/23/2007, the offender admitted that she forgot to call FRS. She was admonished and warned to be more careful in the future. Regarding the missed drug test on 7/29/2007, the offender showed up to FRS ten minutes after closing time and was turned away. As a sanction, the offender was required to write a letter explaining the circumstances of her missed drug test, how she could have avoided it, and what she would do in the future to prevent it from happening again. The offender complied with this instruction and provided a satisfactory letter.

FRS informed our office that the offender missed an outpatient group counseling session on 7/15/2007 and an individual counseling session on 11/12/2007. Regarding the missed session on 7/15/2007, the offender stated that she worked late and could

not make the counseling session. She was reprimanded and informed that she must have permission from our office to miss a counseling session. Regarding the missed session on 11/12/2007, the offender stated that she did not think that FRS would be open on the observed holiday of Veterans Day. The offender was admonished and informed that she should call FRS or our office if she needs clarification as to her counseling in the future. The offender completed her counseling regimen at FRS on 1/7/2008.

To her credit, the offender is gainfully employed and attending classes at Honolulu Community College. She has also complied with random drug testing since her last missed test on 7/29/2007.

Considering the offender's history with alcohol, marijuana, and cocaine, and in light of U.S. vs. Stephens, we are requesting that the Court modify the mandatory drug testing condition (General Condition) to allow for additional drug testing. We are also requesting that Special Condition No. 1 be revised to include updated language. Our office believes that it is prudent to randomly test the offender for illicit drug use until the expiration of supervision.

As noted by her signature on the attached Waiver of Hearing form (Probation Form 49), the offender maintains no objections to this recommendation. The offender's attorney and the U.S. Attorney's Office have been notified of the proposed modifications.

Respectfully submitted by,



FRANK M. CONDELLO, II  
U.S. Probation Officer

Approved by:



GENE DeMELLO, JR.  
Supervising U.S. Probation Officer

Date: 1/14/2008

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THE COURT ORDERS:

- ☒ The Modification of Conditions as Noted Above  
☐ Other



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HELEN GILLMOR  
Chief U.S. District Judge

1-16-08  
Date

PROB 49  
(5/96)

## United States District Court

District of Hawaii

### Waiver of Hearing to Modify Conditions of Probation/Supervised Release and/or Extend Term of Supervision

I have been advised and understand that I am entitled by law to a hearing and assistance of counsel before any unfavorable change may be made in my Conditions of Probation and Supervised Release and/or my period of supervision being extended. By "assistance of counsel," I understand that I have the right to be represented at the hearing by counsel of my own choosing if I am able to retain counsel. I also understand that I have the right to request the court to appoint counsel to represent me at such a hearing at no cost to myself if I am not able to retain counsel of my own choosing.

I hereby voluntarily waive my statutory right to a hearing and to assistance of counsel. I also agree to the following modification of my Conditions of Probation and Supervised Release and/or to the proposed extension of my term of supervision:

[ X ] To modify the conditions of supervision as follows:

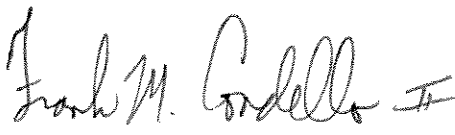
*General Condition:*

*That the defendant shall refrain from any unlawful use of a controlled substance. The defendant shall submit to one drug test within 15 days of the commencement of supervision and at least two drug tests thereafter but no more than eight valid drug tests per month during the term of supervision (mandatory condition).*

*Special Condition No. 1:*

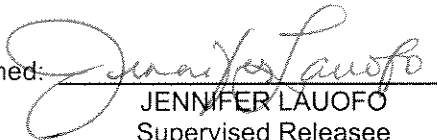
*That the defendant shall participate and comply with substance abuse treatment which includes drug and alcohol testing in a program approved by the Probation Office.. The defendant is to refrain from the possession and/or use of alcohol while participating in substance abuse treatment.*

Witness:



FRANK M. CONDELLO, II  
U.S. Probation Officer

Signed:



JENNIFER LAUOFO  
Supervised Releasee

1/11/08  
Date